

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRUCE A. WATSON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case number 05-70373

Honorable Julian Abele Cook, Jr.

Magistrate Judge Donald A. Scheer

ORDER

On July 1, 2005, the Plaintiff, Bruce A. Watson, commenced this action, seeking a judicial review of the denial of his disability claim by the Social Security Administration (SSA). During the following month (August 24, 2005), the Defendant, Jo Anne B. Barnhart, acting in her official capacity as the Commissioner of Social Security, filed a motion,¹ in which she asked the Court to remand this case to her agency further proceedings pursuant to 42 U.S.C. 405(g).²

This motion was based upon the apparent inability of the SSA to locate (1) Watson's claim file which contained the decision of May 26, 2004 by the administrative law judge, and (2) the tape recording of the administrative hearing on April 13, 2004. According to the Petitioner, the SSA, if given an opportunity, will conduct another *de novo* hearing for the purpose of reevaluating his claim. Watson has not filed any formal opposition to the motion as of this date.

¹This pleading has been identified as a "Motion to Remand."

²According to this statute, a court may, on motion of the Commissioner of Social Security, remand a case for good cause shown.

The Court, after reviewing the official file in this case and without examining the substantive positions of the parties to this controversy, concludes that the application of the Defendant, Jo Anne B. Barnhart, Commissioner of Social Security, is meritorious and justifiable under the circumstances.

Accordingly, the Court adopts the recommendations of Magistrate Judge Donald A. Scheer. Defendant's motion shall be, and is, granted. Furthermore, the Clerk of the Court is directed to forward copies of such official documents in this cause to the SSA as may be necessary and appropriate.

IT IS SO ORDERED.

DATED: April 28, 2006
Detroit, Michigan

s/ Julian Abele Cook, Jr.
JULIAN ABELE COOK, JR.
United States District Judge

Certificate of Service

I hereby certify that on April 26, 2006, I electronically filed the foregoing with the Clerk of the Court using the ECF system, and I further certify that I mailed a copy to the non-ECF participant(s).

s/ Kay Alford
Courtroom Deputy Clerk